

GAHC010203202016



2024:GAU-AS:11521

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./222/2016

HIRANYA BORA and ANR
S/O LT. KALIRAM BORA R/O TARUN NAGAR, BYE LANE NO. 4, G.S. ROAD,
GUWAHATI UNDER POST OFFICE AND P.S. DISPUR, IN THE DIST. OF
KAMRUP, METROPOLITAN ASSAM, PIN - 781005.

2: SRI PARTHAPRATIM BORA

S/O LT. PRASANNA BORA
R/O VILL- MADHAB
JAMUGURI UNDER P.O. and P.S. JAMUGURIHAT IN THE DIST. OF
SONITPUR
ASSAM
PIN - 784175

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE LEARNED PUBLIC PROSECUTOR, TO THE GOVT. OF ASSAM,
IN THE GAUHATI HIGH COURT, GUWAHATI - 781001.

2:SRI PRANJIT BHUYAN
S/O SRI ANANDA BHUYAN R/O VILL- GERELUACHUK UNDER P.O.
NANDIKESHWAR
P.S. JAMUGURIHAT
IN THE DIST. OF SONITPUR
ASSAM
PIN- 784175

Advocate for the Petitioner : MR.A K HALOI, MR.P BORAH,MR. G CHOUDHURY

Advocate for the Respondent : MR.M SARANIAR-2, MS.SUSENTETLA(R-2),MR.S U AHMED(R-2),PP, ASSAM(R-2)

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

25.11.2024

1. The present application is filed under Section 482 Cr.P.C. for quashment of CR case No. 241/2014 under Section 294/506/34 IPC. An FIR was lodged against the petitioners herein before the Tezpur Police Station, which was registered as Tezpur PS case No. 08/2013 under Section 448/294/506/34 IPC. After completion of the investigation of the case, same was returned in a shape of closure report being F.R. No. 649/2014. The learned Magistrate, on receipt of said report, issued notice under Section 190 Cr.P.C. to the complainant/ informant and a protest petition was filed and on the basis of the aforesaid protest petition, the learned Magistrate registered a complaint case and proceeded to examine complainant and witnesses under Section 200 Cr.P.C. and after recording of initial deposition took cognizance of offence against the petitioners by an order dated 10.08.2015. Being aggrieved, the present petition was filed.

2. At this stage, Mr. M Sarania, learned counsel for the original complainant, on instruction, submits that the complainant is not interest to proceed with the protest petition as well as complaint petition already registered as both parties have amicably settled the dispute. The learned counsel for the petitioners also submits in the same line.

3. In view of the aforesaid consensus, this court is inclined to exercise its power under Section 482 Cr.P.C. to quash the complaint petition being CR case No. 241/2014 pending before the learned Chief Judicial Magistrate, Sonitpur.

4. Criminal petition stands allowed accordingly.

JUDGE

Comparing Assistant